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MAR 02 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Seggern	Docket No:	5410-006 (312552-24)
Serial No.:	10/808,758	Confirmation No.:	6593
Filed:	March 24, 2004	Group Art Unit:	1648
For:	ADENOVIRUS PARTICLES WITH ENHANCED INFECTIVITY OF DENDRITIC CELLS AND PARTICLES WITH DECREASED INFECTIVITY OF HEPATOCYTES	Examiner:	To be assigned

RENEWED PETITION UNDER 37 CFR 1.137(b)**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby Petition to Revive this abandoned application under 37 C.F.R.

1.137(b) (unintentional delay) and state as follows:

A grantable petition to revive under 37 C.F.R. 1.137(b) has three requirements and Applicants have complied with all three requirements. The three requirements are:

1. The required reply unless previously filed.

The required reply is a response to the Notice to File Missing Parts mailed September 16, 2005. Applicants filed an executed declaration on June 22, 2006. On March 24, 2004 applicant's filed a Computer Readable Form of the sequence listing, along with a paper copy of the same. Filed herewith is a preliminary amendment for its entry into the application; and a Statement Under 37 CFR § 1.821-1.825.

2. The petition fee required by 37 CFR 1.17(m).

The petition fee for a small entity was paid on June 22, 2006.

3. A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. The delay was due to internal communication error when the file for this case was transferred from Fish & Richardson to DLA Piper U.S. LLP. The patent application file and responsibility for prosecution was transferred from Fish & Richardson to DLA Piper's San Francisco office on August 23, 2005. The application was filed on March 24, 2004 and was entered into the docket system at DLA as a pending application with no response due to the USPTO. The Filing receipt and Notice to File Missing Parts (dated September 16, 2005) was forwarded by Fish & Richardson to DLA Piper's San Francisco office on October 20, 2005, however the due date was inadvertently not docketed at DLA. A Revocation and Power of Attorney transferring responsibility to DLA was filed on November 14, 2005. Accordingly, the application was believed to be in good standing until the Notice of Abandonment dated 5/22/06 and mailed to Fish & Richardson was received and docketed by DLA Piper's San Francisco office on June 20, 2006.


Wherefore, Applicants respectfully request that the Petition to Revive be granted, and the present application be revived and reinstated.

If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants' counsel, Linda R. Judge at (415) 836-2586.

Respectfully submitted,

Date: 3/2/07

Customer No. 29585
DLA Piper US LLP
Telephone: 415/836.2500
Facsimile: 415/836.2501


Linda R. Judge
Reg. No. 42,702



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DLA Piper US LLP
153 Townsend Street, Suite 800
San Francisco, California 94107-1957
www.dlapiper.com

Linda R. Judge
linda.judge@dlapiper.com
T 415.836.2586

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FAX TRANSMISSION COVER SHEET

Date: March 2, 2007

ToTelephoneFax Number

Attn: Group Art Unit 1648
United States Patent and
Trademark Office

571/273.8300

From: Linda R. Judge
415/836.2586

Client-Matter Number: 312552-24

Re: U.S. Application No.: 10/808,758

Entitled: ADENOVIRUS PARTICLES WITH ENHANCED INFECTIVITY OF DENDRITIC CELLS
AND PARTICLES WITH DECREASED INFECTIVITY OF HEPATOCYTES

Filing Date: March 24, 2004

Inventor: Seggern

Art Unit: 1648

Examiner: To be assigned

Attorney Docket No.: 5410-006 (312552-24)

Pages: -12- (including this form)

Originals: will not follow

If there is a problem with this transmission, please call DLA Piper Office Services at 415.836.2500, ext. 6104

Message:

Please find the following papers included in this filing:

1. Transmittal;
2. Copy of Decision of Petition;
3. Renewed Petition Under 37 CFR 1.137(b);
4. Preliminary Amendment;
5. Statement Under 37 CFR § 1.821-1.825; and
6. Combined Revocation and Power of Attorney and Statement Under 37 CFR §§ .73(b) & 3.71 and Request for Change of Attorney Docket Number.

Thank you.

CONFIDENTIALITY NOTICE

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you

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<h1 style="margin: 0;">TRANSMITTAL FORM</h1> <p style="font-size: small; margin-top: 10px;">(To be used for all correspondence after Initial filing)</p>	Application No.	10/808 758	<div style="border: 1px solid black; padding: 5px; transform: rotate(-15deg);"> RECEIVED CENTRAL FAX CENTER MAR 02 2007 </div>
	Filing Date	March 24, 2004	
	First Named Inventor	Von Seggern	
	Group Art Unit	1648	
	Examiner Name	To be assigned	
Total Number of Pages in this Submission: 11		Attorney Docket No.	5410-006 (312552-24)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input checked="" type="checkbox"/> Copy of Decision on Petition mailed January 19, 2007 <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information <input type="checkbox"/> Disclosure Statement (IDS) <input type="checkbox"/> Substitute PTO Form 1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts Notice/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Renewed Petition Under 37 CFR 1.137(b) <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Combined Revocation and Power of Attorney and Statements Under §§ 37 C.F.R. 3.73(b) and 3.71 and Request for Change of Attorney Docket Number (executed) <input checked="" type="checkbox"/> Statement Under 37 CFR § 1.821-1.825 <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After-Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s): <input type="checkbox"/> Return Receipt Postcard

REMARKS: Please address all correspondence to Customer Number 29585 The Director is hereby authorized to charge any fees that may be required in connection with the papers submitted herewith that have been inadvertently omitted, specifically including any extension fees that may be required under 37 CFR § 1.136(a), to Deposit Account No. 07-1896 (Charge No. 5410-006 (312552-24))	
--	--

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Signature		Date	3/2/07
Name	Linda R. Judge	Reg. No.	42,702
Address	153 Townsend St., Suite 800, San Francisco, CA 94107		Telephone
			415/836.2586
			Facsimile
			415/836.2501

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper (along with any referred to as being attached) is being filed with the United States Patent and Trademark Office by facsimile transmission on the date indicated below to facsimile No. 571/273,8300.	
Date: <u>March 2</u> , 2007	<u>CARISCA HEMPHILL</u> Name

SANF1\365799.1



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEPHANIE SEIDMAN
FISH & RICHARDSON PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

COPY MAILED

JAN 19 2007

OFFICE OF PETITIONS

In re Application of :
Daniel J. Von Seggern :
Application No. 10/808,758 : ON PETITION
Filed: March 24, 2004 :
Attorney Docket No. 22908-1239 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 16, 2005, which requires the submission of an executed oath or declaration, a \$65 surcharge fee for its late filing, and compliance with the sequence listing requirements. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 17, 2005. A Notice of Abandonment was mailed on May 22, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously

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DD - 19 March 07DLA PIPER US LLP
GRAY GARY

Application No. 10/808,758

Page 2

filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C). The instant petition lacks items (1) and (3) above.

With respect to item (1), compliance with the sequence requirements set out in the Notice of September 16, 2005 has not been satisfied. Accordingly, before revival can be effected, the sequence requirement must be satisfied.

As to item (3) above, the petition presently does not provide an adequate statement of unintentional delay. More particularly, the sentence "[t]he delay was due to internal communication error when the file for this case was transferred from Fish & Richardson to DLA Piper Rudnick Gray Cary U.S. LLP," needs further clarification. What was the nature of the communication error which led to the unintentional abandonment of this application?

In sum, the renewed petition under 37 CFR 1.137(b) must be accompanied by a complete reply to the Notice of September 16, 2005 and an explanation of the nature of the miscommunication error which resulted in the unintentional abandonment of this application.

The revocation and power of attorney filed on November 14, 2005 is unacceptable since it fails to comply with the provisions of 37 CFR 3.73(b). In this regard, the reel and frame number where the recorded assignment appears in the Office assignment records is missing. A courtesy copy of this decision is being mailed to petitioner. However, until such time as an acceptable power of attorney is received, all future correspondence regarding this file will continue to be held with the above address of record.

Application No. 10/808,758

Page 3

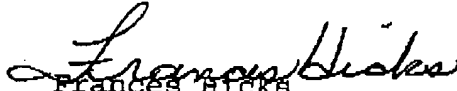
Future correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Patent Group
DLA Piper Rudnick Gray Cary US LLP
1200 Nineteenth Street NW
Washington, DC 20036-2412

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MAR 02 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seggern	Docket No: 5410-006 (312552-24)
Serial No.: 10/808,758	Confirmation No.: 6593
Filed: March 24, 2004	Group Art Unit: 1648
For: ADENOVIRUS PARTICLES WITH ENHANCED INFECTIVITY OF DENDRITIC CELLS AND PARTICLES WITH DECREASED INFECTIVITY OF HEPATOCYTES	Examiner: To be assigned

PRELIMINARY AMENDMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please insert the Sequence Listing submitted on March 24, 2004 after the last page of the specification.

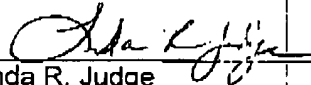
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date: 3/2/07

Customer No. 29585
DLA Piper US LLP
Telephone: 415/836.2586
Facsimile: 415/836.2501


Linda R. Judge
Reg. No. 42,702

Serial No. 10/808,758

Page 1 of 1

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MAR 02 2007

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seggem	Docket No: 5410-006 (312552-24)
Serial No.: 10/808,758	Confirmation No.: 6593
Filed: March 24, 2004	Group Art Unit: 1648
For: ADENOVIRUS PARTICLES WITH ENHANCED INFECTIVITY OF DENDRITIC CELLS AND PARTICLES WITH DECREASED INFECTIVITY OF HEPATOCYTES	Examiner: To be assigned

STATEMENT UNDER 37 C.F.R. §1.821-1.825

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

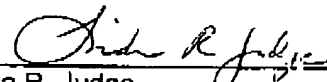
I, Linda R. Judge, declare as follows:

1. That the contents of the paper and computer readable copies of the Sequence Listing submitted on March 24, 2004 in accordance with 37 CFR 1.821(c) and (e), respectively, are the same in compliance with 1.821(f).

2. That the submission filed on March 24, 2004, filed in accordance with 37 CFR 1.821(g), does not include new matter.

Respectfully submitted,

Dated: 3/2/07


Linda R. Judge
Registration No. 42,702

Customer Number 29585

DLA Piper US LLP

Telephone No.: (415) 836-2500

Facsimile No.: (415) 836-2501

10/808,758
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Page 1 of 1

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MAR 02 2007

Express Mail Label No. EV 866301952 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Von Seggern

Serial No.: 10/808,758

Filed: March 24, 2004

For: ADENOVIRUS PARTICLES WITH
ENHANCED INFECTIVITY OF
DENDRITIC CELLS AND PARTICLES
WITH DECREASED INFECTIVITY OF
HEPATOCYTES

Docket No: 5410-006 (312552-24)

Confirmation No.: 8593

Group Art Unit 1648

Examiner: To be assigned

COMBINED REVOCATION AND POWER OF ATTORNEY AND STATEMENTS
UNDER 37 CFR §§ 3.73(B) & 3.71 AND REQUEST FOR CHANGE OF
ATTORNEY DOCKET NUMBER

The Scripps Research Institute, a public benefit not for profit organization, states that it is:

1. ☒ the assignee of the entire right, title and interest; or
2. ☐ an assignee of _____ % of the entire right, title and interest

in the above-captioned patent application by virtue of either:

A. ☒ an assignment from the inventor(s) of the above-captioned application ☒ recorded in the United States Patent and Trademark Office at Reel 015104, Frame 0532, or ☐ for which a true copy thereof is attached hereto; or

B. ☐ a chain of title from the inventor(s) of the above-captioned application to _____ Inc. as shown below:

1. From the inventor(s) to _____ Inc., recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or ☐ for which a true copy thereof is attached hereto; and

2. From _____ Inc. to _____ Inc., recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or ☐ for which a true copy thereof is attached hereto; and

3. From _____ Inc. to _____ Inc., recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or ☐ for which a true copy thereof is attached hereto.

Serial No. 10/808,758

Page 1 of 2

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The Scripps Research Institute hereby revokes all previous powers of attorney and hereby appoints Linda R. Judge, Registration No. 42,702, and the DLA Piper US LLP attorneys and agents associated with Customer Number 29585 as its attorneys with full power of substitution and revocation, to prosecute the above-captioned application and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution, and revocation, said appointment being to the exclusion of the inventor(s) and his/her attorney(s) in accordance with the provisions of 37 CFR § 3.71; provided that if any one of said attorneys ceases to be affiliated with the law firm of DLA Piper US LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence in the captioned application to:

Customer No. 29585
DLA Piper US LLP
153 Townsend Street, Suite 800
San Francisco, CA 94107
Tel: (415) 836-2500
Fax: (415) 836-2501

The attorney docket number for this application was formerly entered as ~~22908-1239~~. It has since been changed to docket number 5410-006. Please use this new docket number in reference to this application for all future communications.

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee.

Date: February 20, 2007

Assignee: The Scripps Research Institute
Signed: Thomas Fitting
Print Name: Thomas Fitting, Esq., Ph.D.
Print Title: Chief Patent Counsel